

IC 25-23.6-4.5

Chapter 4.5. Mental Health Counselors; Unlawful Practices

IC 25-23.6-4.5-1

Unlawful practices

Sec. 1. An individual may not:

- (1) profess to be a licensed mental health counselor;
- (2) use the title:
 - (A) "licensed mental health counselor";
 - (B) "mental health counselor"; or
 - (C) "mental health therapist";
- (3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed mental health counselor; or
- (4) practice mental health counseling for compensation;

unless the individual is licensed under this article, IC 25-22.5, or IC 25-33.

As added by P.L.147-1997, SEC.46.

IC 25-23.6-4.5-2

Exemptions

Sec. 2. (a) This article may not be construed to limit the mental health counseling services performed by a person who does not use a title specified in this article and who is one (1) of the following:

- (1) A licensed or certified health care professional acting within the scope of the person's license or certificate.
- (2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited institution of higher education or training institution, or is a graduate accumulating experience required for licensure if:
 - (A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and
 - (B) the student or graduate uses a title that contains the term "intern" or "trainee".
- (3) Not a resident of Indiana if the person performed the services in Indiana for not more than five (5) days in any one (1) month or fifteen (15) days within any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.
- (4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.
- (5) An employee or a volunteer for an organization performing charitable, religious, or educational functions, providing pastoral counseling, or providing other assistance.
- (6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and addiction and who provides counseling in the areas of alcohol or drug abuse

addictions.

(7) A governmental employee who remains in the same job classification or job family of that job classification.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

As added by P.L.147-1997, SEC.46. Amended by P.L.244-1999, SEC.3; P.L.215-2001, SEC.103.

IC 25-23.6-4.5-3

Display of license; contents of promotional materials

Sec. 3. An individual who is licensed as a mental health counselor shall:

(1) display the license or a clear copy of the license at each location where the mental health counselor regularly practices; and

(2) include the words "licensed mental health counselor" or the letters "LMHC" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

As added by P.L.147-1997, SEC.46.

IC 25-23.6-4.5-4

Violations; penalty

Sec. 4. An individual who violates this chapter after July 1, 1999, commits a Class A misdemeanor.

As added by P.L.147-1997, SEC.46.